

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5126
OFFERED BY MR. BARTON OF TEXAS AND MR.
ENGEL OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Truth in Caller ID
3 Act of 2006”.

**4 SEC. 2. PROHIBITION REGARDING MANIPULATION OF
5 CALLER IDENTIFICATION INFORMATION.**

6 Section 227 of the Communications Act of 1934 (47
7 U.S.C. 227) is amended—

8 (1) by redesignating subsections (e), (f), and
9 (g) as subsections (f), (g), and (h), respectively; and

10 (2) by inserting after subsection (d) the fol-
11 lowing new subsection:

12 “(e) PROHIBITION ON PROVISION OF DECEPTIVE
13 CALLER IDENTIFICATION INFORMATION.—

14 “(1) IN GENERAL.—It shall be unlawful for any
15 person within the United States, in connection with
16 any telecommunications service or VOIP service, to
17 cause any caller identification service to transmit

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1 misleading or inaccurate caller identification infor-
2 mation, with the intent to defraud or cause harm.

3 “(2) PROTECTION FOR BLOCKING CALLER
4 IDENTIFICATION INFORMATION.—Nothing in this
5 subsection may be construed to prevent or restrict
6 any person from blocking the capability of any caller
7 identification service to transmit caller identification
8 information.

9 “(3) REGULATIONS.—Not later than 6 months
10 after the enactment of this subsection, the Commis-
11 sion shall prescribe regulations to implement this
12 subsection.

13 “(4) DEFINITIONS.—For purposes of this sub-
14 section:

15 “(A) CALLER IDENTIFICATION INFORMA-
16 TION.—The term ‘caller identification informa-
17 tion’ means information provided to an end
18 user by a caller identification service regarding
19 the telephone number of, or other information
20 regarding the origination of, a call made using
21 a telecommunications service or VOIP service.

22 “(B) CALLER IDENTIFICATION SERVICE.—
23 The term ‘caller identification service’ means
24 any service or device designed to provide the
25 user of the service or device with the telephone

1 number of, or other information regarding the
2 origination of, a call made using a telecommuni-
3 cations service or VOIP service. Such term in-
4 cludes automatic number identification services.

5 “(C) VOIP SERVICE.—The term ‘VOIP
6 service’ means a service that—

7 “(i) provides real-time voice commu-
8 nications transmitted through end user
9 equipment using TCP/IP protocol, or a
10 successor protocol, for a fee or without a
11 fee;

12 “(ii) is offered to the public, or such
13 classes of users as to be effectively avail-
14 able to the public (whether part of a bun-
15 dle of services or separately); and

16 “(iii) has the capability to originate
17 traffic to, and terminate traffic from, the
18 public switched telephone network.

19 “(5) SAVINGS PROVISION.—Nothing in this Act
20 may be construed to affect or alter the application
21 of the Commission’s regulations regarding the re-
22 quirements for transmission of caller identification
23 information for telemarketing calls, issued pursuant
24 to the Telephone Consumer Protection Act of 1991

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1 (Public Law 102-243) and the amendments made
2 by such Act.”.

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